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7 Attorneys for Defendant
 8 **BAYPORT MARINA PLAZA LLC**

9
 10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA

12
 13 PATRICK CONNALLY, an individual; and
 14 DISABILITY RIGHTS ENFORCEMENT,
 15 EDUCATION, SERVICES: HELPING YOU
 16 HELP OTHERS, a California public benefit
 17 corporation,

18 Plaintiffs,
 19 BAYPORT MARINA PLAZA LLC, a limited
 20 liability company,
 21 Defendant.

22 Case No. C-07-3032-BZ

23 **AMENDED NOTICE OF MOTION AND
 24 MOTION TO DISMISS SECOND, THIRD
 25 AND FOURTH CAUSES OF ACTION
 26 PURSUANT TO FRCP 12(b)(1)**

27 **Date:** October 17, 2007
 28 **Time:** 10:00 a.m.
 29 **Courtroom:** G
 30 **Judge:** Bernard Zimmerman

31
 32 PLEASE TAKE NOTICE that on October 17, 2007 in Courtroom G of the United States
 33 District Court for the Northern District of California, located at 450 Golden Gate Avenue, San
 34 Francisco, CA 94102, Defendant Bayport Marina Plaza LLC ("Defendant") will and hereby
 35 does make a Motion to Dismiss Plaintiffs' Second, Third, and Fourth Causes of Action pursuant
 36 to 28 U.S.C. §1337(c) (1), (2) and (4) for lack of supplemental jurisdiction (Fed. R. Civ. Proc.
 37 12(b)(1)).

38
 39 The Motion will be based on:
 40
 41 (a) This Amended Notice of Motion and Motion;
 42
 43 (b) The attached Memorandum of Points and Authorities;
 44
 45 (c) Federal Rules of Civil Procedure, Rule 12(b)(1) (for lack of supplemental jurisdiction
 46 as to the state law claims).

1 (d) The pleadings, records, and files herein, the U.S. District Court's decisions in *Molski*
2 *v. Mandarin Touch Restaurant*, 347 F. Supp. 2d 860 (C.D. Cal. 2004), *Molski, et al. v. Mandarin*
3 *Touch Restaurant and Jankey, et al. v. Yang Chow Restaurant Pasadena*, 359 F. Supp. 2d 924
4 (C.D. Cal. 2005), and *Molski, et al. v. Kahn Winery, et al.*, 381 F. Supp. 2d 1209 (C.D. Cal.
5 2005), and matters of which judicial notice is requested.

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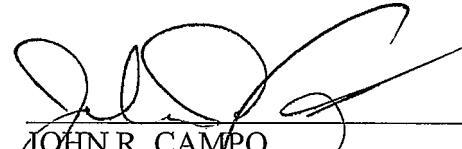
7 Dated: August 27, 2007

Respectfully submitted,

8 BRANSON, BRINKOP, GRIFFITH & STRONG

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10 By:



JOHN R. CAMPO
Attorneys for Above-Named Defendant

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